

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
FT. MYERS DIVISION**

CASE NO.: 9:16-bk-06499-FMD

CHAPTER 7

IN RE:
Chris E Carhart
Debtor(s).

**BANK OF AMERICA, N.A.'S RESPONSE TO MOTION TO SELL PROPERTY OF
THE ESTATE FREE AND CLEAR OF PURPORTED LIENS AND INTERESTS**

BANK OF AMERICA, N.A. ("BANA"), by and through its undersigned counsel, files this response to the Chapter 7 Trustee's MOTION TO SELL PROPERTY OF THE ESTATE FREE AND CLEAR OF PURPORTED LIENS AND INTERESTS (the "Motion to Sell") (Doc #109) and in support thereof states as follows:

1. On July 29, 2016 the Debtor commenced this bankruptcy case by filing a petition for relief under Chapter 7 of the United States Bankruptcy Code.
2. BANK OF AMERICA, N.A. has a security interest in real property located at 3512 White Eagle Drive, Naperville, Illinois 60564 by virtue of a Note and Mortgage executed on December 12, 2013 with an original principal of \$466,800.00.
3. On April 19, 2018 the Chapter 7 Trustee filed a Motion to Sell requesting the Court approve a sale of the above described property free and clear of all liens.
4. BANK OF AMERICA, N.A. asserts its rights to receive sale proceeds and does not consent to a sale yielding less than the total amount due.
5. BANK OF AMERICA, N.A. objects to any sale that does not provide a full payoff of BANK OF AMERICA, N.A.'s lien.

6. BANK OF AMERICA, N.A. further asserts that if the sale is approved, BANK OF AMERICA, N.A. requests language be included in any order providing that any funds must be received by BANK OF AMERICA, N.A. within 48 hours of closing with updated payoff and paid to BANK OF AMERICA, N.A. at closing by the closing agent.

WHEREFORE, BANK OF AMERICA, N.A. requests that the Court deny the Motion to Sell and for any such other and further relief as the Court may deem just, proper, and equitable.

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By:/s/ Amy M. Kiser
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished on May 8, 2018 by CM/ECF or by regular U.S. Mail:

Debtor

Chris E Carhart

621 Seaview Court P2
Marco Island, FL 34145

represented by **Richard J. Hollander**

Miller, Hollander & Jeda
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Miller, Hollander & Jeda
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Trustee

Robert E Tardif, Jr.

Trustee
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Fort Myers, FL 33902

represented by **Robert E Tardif, Attorney for Trustee**

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U.S. Trustee

United States Trustee - FTM7/13

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